

**UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
NORTHERN DIVISION**

In the Matter of:	}	
LINDA HILL	}	
SSN: XXX-XX-0768	}	BK Case No. 18-82774-CRJ-13
	}	
	}	
	}	Chapter 13
Debtor.	}	
	}	
LINDA HILL	}	
	}	
Plaintiff,	}	
	}	AP Case No. 19-80011-CRJ-13
v.	}	
	}	
BANK OF AMERICA and	}	
CARRINGTON MORTGAGE SERVICES, LLC	}	
	}	
Defendants.	}	

**ORDER REQUIRING BRIEF REGARDING THE AUTHORITY  
OF THE COURT TO AWARD PUNITIVE DAMAGES  
UNDER THE BANKRUPTCY CODE**

On March 20, 2019, this Adversary Proceeding came before the Court on Status Conference. Appearing at the hearing were Michael Odom, Esq., counsel for Defendants, and John Larsen, Esq., counsel for Plaintiff.

During the Status Conference, discussion was had regarding the Affirmative Defense asserted by the Defendants that Plaintiff's claims for punitive damages under 11 U.S.C. § 362(k) of the Bankruptcy Code are barred because bankruptcy courts lack authority under the United States Constitution and under Alabama law to adjudicate and impose punitive damages.

**IT IS THEREFORE ORDERED, ADJUDGED AND DECREED** that on or before **April 1, 2019, by 5:00 p.m., CDT**, the Defendants are directed to file a brief regarding the constitutional challenge to the Court's authority pursuant to 11 U.S.C. § 362(k) to award punitive damages and to the applicability of the Supreme Court's decisions in *Wellness Int'l Network, LTD v. Sharif*, 135 S. Ct. 1932 (2015) and *Stern v. Marshall*, 131 S. Ct. 2594 (2011) to 11 U.S.C. § 362(k).

Dated this the 21<sup>st</sup> day of March, 2019.

/s/ Clifton R. Jessup, Jr.  
Clifton R. Jessup, Jr.  
United States Bankruptcy Judge